

DAVID BURCHARD
CHAPTER 13 TRUSTEE
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UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

In re:

ALICIA NICOLE POWELL
958 LECONTE CIR., UNIT 1
SAN FRANCISCO, CA 94124

###-##-5386

Debtor(s).

Case No.: 10-3-3436 SFC13

Chapter 13

FIRST AMENDED OBJECTION TO
CONFIRMATION, WITH A MOTION TO
DISMISS, OF THE CHAPTER 13 PLAN, BY
DAVID BURCHARD, CHAPTER 13 TRUSTEE
AND NOTICE

CONT 341 MEETING OF CREDITORS:

Date: 12/23/2010
Time: 1:00 PM
Place: Office of the United States Trustee
235 Pine Street, Suite 850
San Francisco, California

CONFIRMATION HEARING:

Date: 11/10/2010
Time: 09:30 AM
Place: United States Bankruptcy Court
235 Pine Street 23rd Floor
San Francisco, California

DAVID BURCHARD, Chapter 13 Trustee in the above-entitled action, hereby objects to Confirmation of the Chapter 13 Plan proposed hereunder by Debtor(s) for the following reason(s).

1. Debtor has listed secured debt of \$1,511,259.00 in Schedule D, which is well in excess of maximum secured debt for a Chapter 13 case of \$1,081,400.00 pursuant to 11 U.S.C. §109(e). The Trustee requests this case either be dismissed, or converted to another Chapter.
2. Debtor has not listed in paragraph 2 of her plan an Adequate Protection Payment for the secured personal property claim of Synergetic Communications Inc, as listed in paragraph 4A of the Plan and Schedule D. 11 U.S.C. Section 1326(a)(1)(C) provides that “debtor shall commence making payments...in the amount... that provides adequate protection directly to a creditor holding an allowed claim secured by personal property.... .” The Trustee requests Debtor file an amended plan providing for adequate protection payments on all secured personal property debt.
3. Debtor has listed income “Alimony” of \$800.00 per month in question 9 of the B22C, while Schedule I fails to list said income. The Trustee requests clarification, or that the appropriate document be amended so that it is accurate and consistent.
4. Trustee requests an Attachment to Schedule J be filed listing gross monthly business income less expenses.

5. Schedule A fails to reflect the nature of Debtor's interest in property. Trustee requests an amended Schedule A be filed.
6. Trustee requests Debtor provide appropriate declarations that details Debtor income for the six months prior of the bankruptcy.
7. The Trustee is in receipt of Debtor's Chapter Thirteen Business Questionnaire, which fails to list business bank account information. The Trustee requests an amended Business Questionnaire that includes said information.

PLEASE TAKE NOTICE that, without prior notice, at the above-referenced confirmation hearing date assigned to your Chapter 13 case, the Court may DISMISS the above-referenced case upon making a determination that Debtor(s) has/have not presented a feasible Plan, Debtor(s) has/have not made the required payments under the Plan, Debtor(s) has/have violated the statutory debt limitations set for a Chapter 13 case, Debtor(s) has/have not filed this proceeding in good faith, Debtor(s) has/have not provided documents and/or Schedules and Plan as required under the Bankruptcy code, and/or Debtor(s) has/have not provided the Trustee with Payment Advices or Declarations, as required by the written Order Re: Payment Advices in Chapter 13 Cases, dated September 26, 2006.

Dated: October 22, 2010

DAVID BURCHARD

DAVID BURCHARD, Chapter 13 Trustee

Certificate of Mailing

I, ROSA GARCIA, the undersigned, certify that:

I am over the age of 18 years and not a party to this action. I am employed by the Trustee whose business address is 393 Vintage Park Drive, Suite #150, Foster City, CA. On the date set forth below, I served a copy of the Objection to Confirmation, with a Motion to Dismiss, of the Chapter 13 Plan, by David Burchard, Chapter 13 Trustee and Notice, and this Certificate of Mailing, on the persons listed below by following our ordinary business practice for service, which is either deposited in the ordinary course of business with the U.S. Postal Service by first class mail or served by electronic transmission from the Court, if applicable. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

ALICIA NICOLE POWELL
958 LECONTE CIR., UNIT 1
SAN FRANCISCO, CA 94124

RYAN C. WOOD
THE LAW OFFICES OF LIN & WOOD
611 VETERAN BLVD STE 218
REDWOOD CITY, CA 94063

United States Trustee
235 Pine Street, Suite 700
San Francisco, CA 94104

Dated: October 22, 2010

ROSA GARCIA

ROSA GARCIA